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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,767	10/19/2004	Toni Kopra	KOLS.154US	6664
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425		01/17/2007	EXAMINER SHARMA, SUJATHA R	
			ART UNIT 2618	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/511,767	KOPRA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sujatha Sharma	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>5/31/05</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Specification***

1. Claim 22 is objected to because of the following informalities:

In claim 22, line 3, “virtual” should read as –visual--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4-12,14-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Sjoblom [US 2004/0049779].

Regarding claim 1, Sjoblom discloses a method of interactive television. Sjoblom further discloses a method for collecting information on an audience of a broadcast media stream, characterized by:

- connecting a radio telecommunication system and a broadcast system to perform a media system; See Fig. 1 where the broadcast system 1 is connected to the radio telecommunication system 7-9 and paragraphs 7-9
- broadcasting a media stream on at least one broadcast channel of the broadcast system; see paragraphs 8,54,87-89

- transmitting parallel information on at least one parallel channel which parallel information is associated and synchronized with the media stream of at least one broadcast channel; see paragraphs 9,23 paragraph 90, lines 1-6
- connecting the audience to the media system as passive users or active users, the active users receiving the parallel information and the passive users not receiving the parallel information; see paragraphs 79, 89,90 where the active users are the users who are participating in the interactive television and only those that are registers as users participating in interactive television receive the parallel information from the information server.
- collecting information on the audience connected to the media system, the information being on active users and/or passive users; see paragraphs 27,28,30,38,41,46,60
- processing the collected information in a predetermined way; see paragraphs 28, 42,47,60 where the profile of the audience that is collected is processed in a way that the information server sends information specific to the user's location and/or user's demographics

Regarding claim 2, Sjoblom further discloses a method wherein the audience has an interactive connection to the media stream system via an interactive menu shown on the screen of a user terminal. See paragraphs 57, 62

Regarding claim 4, Sjoblom discloses a method wherein the collected information is shown on the screen of a user terminal and/or a broadcaster's terminal. See paragraphs 57, 62

Regarding claim 5, Sjoblom further discloses a method wherein templates for the interactive menu or showing the collected information are ready-made, stored in a user terminal and being modified according to the parallel information. See paragraphs 11, 16,39-43. Here Sjoblom discloses a method wherein a set of information pre-stored in the user's terminal is displayed and later new set of information is sent to the user based on the information of the user such as

Regarding claim 6, Sjoblom further discloses a method wherein templates for the visual menu or for displaying of the compiled information are transmitted as parallel information. See paragraphs 57, 62

Regarding claim 7, Sjoblom further discloses a method wherein the information on the active users is collected by using an interactive menu on the screen of a user terminal comprising options to be selected and by using the parallel channel as a feedback channel for transmitting the user selections. See paragraphs 39-43 wherein the location information is collected from the audience and sent to the server as a feedback channel so that appropriate advertisement based on the user's location can then be sent to the user. See also paragraph 61

Regarding claim 8, Sjoblom further discloses a method wherein the parallel information is transmitted as a packet transmission. See paragraph 10 where GPRS is used for packet transmission.

Regarding claim 9, Sjoblom further discloses a method wherein location information on the audience is collected. See paragraphs 38 and 60

Regarding claim 10, Sjoblom further discloses a method wherein collected information is used for searching for at least one of good times, geographical areas and/or modes for advertising. See paragraphs 38-43.

Regarding claim 11, Sjoblom further discloses a media system for collecting information on the audience of a broadcast media stream comprising:

- means for broadcasting a media stream on at least one broadcast channel of the broadcast system, the broadcast system being part of the media system. See Fig. 1 where the broadcast system 1 is connected to the radio telecommunication system 7-9 and paragraphs 7-9 and paragraphs 54, 87-89
- means for transmitting parallel information on at least one parallel channel which parallel information is associated and synchronized with the media stream of at least one broadcasting channel using a radio telecommunication system of the media system; see paragraphs 9,23 paragraph 90, lines 1-6
- means for connecting the audience to the media system as passive users or active users, the active users receiving the parallel information and the passive users not receiving the parallel information; see paragraphs 79, 89,90 where the active users are the users who are participating in the interactive television and only those that are registers as users

participating in interactive television receive the parallel information from the information server.

- means for collecting information on the audience connected to the media system, the information relating to active users and/or passive users; see paragraphs 27,28,30,38,41,46,60
- means for processing the collected information in a predetermined way. see paragraphs 28, 42,47,60 where the profile of the audience that is collected is processed in a way that the information server sends information specific to the user's location and/or user's demographics

Regarding claim 12, Sjoblom discloses a method further comprising an interactive menu shown on the screen of a user terminal for connecting the audience via an interactive connection to the media stream system. See paragraphs 57, 62

Regarding claim14, Sjoblom discloses a method further comprising means for showing the collected information on the screen of a user terminal and/or of a broadcaster's terminal. See paragraphs 57, 62

Regarding claim 15, Sjoblom discloses a method further comprising means for storing ready-made templates for the interactive menu or showing the collected information and modifying them according to the parallel information. See paragraphs 11, 16,39-43. Here Sjoblom discloses

a method wherein a set of information pre-stored in the user's terminal is displayed and later new set of information is sent to the user based on the information of the user such as

Regarding claim 16, Sjoblom discloses a method further comprising means for transmitting the templates for the visual menu or showing the collected information as parallel information. See paragraphs 57, 62

Regarding claim 17, Sjoblom discloses a method further comprising means for collecting information on active users by using an interactive menu on the screen of a user terminal comprising options to be selected and by using the parallel channel as a feedback channel for transmitting the user selections. See paragraphs 39-43 wherein the location information is collected from the audience and sent to the server as a feedback channel so that appropriate advertisement based on the user's location can then be sent to the user. See also paragraph 61

Regarding claim 18, Sjoblom discloses a method further comprising means for transmitting the parallel information as a packet transmission. See paragraph 10 where GPRS is used for packet transmission.

Regarding claim 19, Sjoblom discloses a method further comprising means for collecting location information on the audience. See paragraphs 38 and 60

Regarding claim 20, Sjoblom discloses a method for collecting information on an audience of a media stream broadcast by a media system characterized by:

- means for receiving parallel information on at least one parallel channel which parallel information is associated and synchronized with the media stream of at least one broadcast channel of the broadcast system, the broadcast system being a part of the media system; see paragraphs 9,23 paragraph 90, lines 1-6
- means for connecting the audience to the media system as passive users or active users, the active users receiving the parallel information and the passive users not receiving the parallel information; see paragraphs 79, 89,90 where the active users are the users who are participating in the interactive television and only those that are registers as users participating in interactive television receive the parallel information from the information server.
- means for changing a parallel information reception state according to the user's selections; see paragraphs 38-43 and paragraph 61
- means for transmitting selections made by active users for collecting information on the audience connected to the media system; see paragraphs 38-43 and paragraph 61
- means for showing the collected information. see paragraphs 38-43 and paragraph 61

Regarding claim 21, Sjoblom discloses a method further comprising means for the audience to have an interactive connection to the media stream system via an interactive menu. See paragraphs 57, 62

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Regarding claim 22, Sjoblom discloses a method further comprising means for active users to make their selections by using a visual menu on the screen of a user terminal comprising options to be selected. See paragraphs 39-43 wherein the location information is collected from the audience and sent to the server as a feedback channel.

Regarding claim 23, Sjoblom discloses a method further comprising means for transmitting and receiving parallel information as a packet transmission. See paragraph 10 where GPRS is used for packet transmission.

Regarding claim 24, Sjoblom discloses a method further comprising means for collecting information on active users by using an interactive menu on the screen of a user terminal comprising options to be selected and by using the parallel channel for transmitting the user selections. See paragraphs 39-43 wherein the location information is collected from the audience and sent to the server as a feedback channel so that appropriate advertisement based on the user's location can then be sent to the user. See also paragraph 61

Regarding claim 25, Sjoblom discloses a method for collecting information on an audience of a broadcast media stream, the method comprising:

- connecting a radio telecommunication system and a broadcast system to perform a media system, broadcasting a media stream on at least one broadcast channel of the broadcast system; See Fig. 1 where the broadcast system 1 is connected to the radio telecommunication system 7-9 and paragraphs 7-9 see paragraphs 8,54,87-89

- transmitting parallel information on at least one parallel channel which parallel information is associated and synchronized with the media stream of at least one broadcast channel; see paragraphs 9,23 paragraph 90, lines 1-6
- connecting the audience to the media system as passive users or active users, the active users receiving the parallel information and the passive users not receiving the parallel information; see paragraphs 79, 89,90 where the active users are the users who are participating in the interactive television and only those that are registers as users participating in interactive television receive the parallel information from the information server.
- collecting information on the audience connected to the media system, the information being on active users or passive users; see paragraphs 27,28,30,38,41,46,60
- processing the collected information in a predetermined way. see paragraphs 28, 42,47,60 where the profile of the audience that is collected is processed in a way that the information server sends information specific to the user's location and/or user's demographics

Regarding claim 26, Sjoblom discloses a method wherein the collected information is shown on the screen of a user terminal or a broadcaster's terminal. See paragraphs 38-43 and paragraph 61

Regarding claim 27, Sjoblom discloses a method for collecting information on the audience of a broadcast media stream, the media system comprising:

- means for broadcasting a media stream on at least one broadcast channel of the broadcast system, the broadcast system being part of the media system. See Fig. 1 where the broadcast system 1 is connected to the radio telecommunication system 7-9 and paragraphs 7-9 see paragraphs 8,54,87-89
- means for transmitting parallel information on at least one parallel channel which parallel information is associated and synchronized with the media stream of at least one broadcasting channel using a radio telecommunication system of the media system; see paragraphs 9,23 paragraph 90, lines 1-6
- means for connecting the audience to the media system as passive users or active users, the active users receiving the parallel information and the passive users not receiving the parallel information; see paragraphs 79, 89,90 where the active users are the users who are participating in the interactive television and only those that are registers as users participating in interactive television receive the parallel information from the information server.
- means for collecting information on the audience connected to the media system, the information relating to active users or passive users; see paragraphs 27,28,30,38,41,46,60
- means for processing the collected information in a predetermined way. see paragraphs 28, 42,47,60 where the profile of the audience that is collected is processed in a way that the information server sends information specific to the user's location and/or user's demographics

Regarding claim 28, Sjoblom discloses a method wherein the collected information is shown on the screen of a user terminal or a broadcaster's terminal. See paragraphs 38-43 and paragraph 61

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sjoblom [US 2004/0049779] in view of Smith [US 2003/0006911].

Regarding claim 3, Sjoblom discloses all the limitations as claimed. However he does not disclose a method of collecting the information on the audience in a memory.

Smith, in the same field of endeavor, teaches a method of collecting the information on the audience in a memory. See paragraph 120 where the client profile is stored in the database for later retrieval.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the teachings of Smith to Sjoblom in order to have the profile of the users stored centrally in order for faster retrieval of information when required based on the user's profile database.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Ferris [WO 99/04568] Communication system and method

Chen [EP 952734] System for selecting, accessing and viewing portion of an information stream using television companion device

Tatsumi [JP 2002344933] Viewing information collecting system and method using data broadcasting and broadcast receiver, viewing information server, shop terminal and advertiser terminal used therein

Klarfield [US 2003/0067554] System and method for personalized TV

Levy [US 2002/0162118] Efficient interactive TV

Tsujisawa [JP 2003125428] Broadcasting system, and method for collecting viewing audience information therein

McKenna [US 2003/0018971] System and method for providing supplemental information related to a television program

Urdang [US 20030208768] Technique for delivering entertainment programming content including interactive features in a communication network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Sujatha Sharma  
December 18, 2006